



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/191,520	11/13/1998	JOHN S. HENDRICKS	5217	8726

7590

07/05/2002

ALDO NOTO
DORSEY & WHITNEY
1001 PENNSYLVANIA AVENUE NW
SUITE 300
WASHINGTON, DC 20004

EXAMINER

KOENIG, ANDREW Y

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 07/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

176

HO

Office Action Summary	Application No.	Applicant(s)	
	09/191,520	HENDRICKS ET AL.	
	Examiner	Art Unit	
	Andrew Y Koenig	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-198 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-36 and 38-198 is/are rejected.
- 7) ☒ Claim(s) 37 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. Claim 37 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
2. Regarding claim 37, Prior art of record fails to show or suggest a web page including both program data and generates an authorization request.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 14-36, 40-48, 67-69, 76-85, 88-101, 104-105, 107-109, 113-114, 119-131, 133-136, 140-145, 147, 149, 151-155, 157, 162-163, 167, 169-170, 185, 191, 196, and 198 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,329,590 to Pond in view of U.S. Patent 5,317,391 to Banker et al.

Regarding claim 1, Pond teaches a receiver (fig. 1, label 18) that receives program data and descrambling key code, which reads on the claimed local authorization code, which permits the receiver to descramble (claimed decrypt) the television program. Pond teaches a transmitter that sends a program selection to remote site, wherein the program selection is made from the program data (col. 7, ll. 4-

Art Unit: 2611

17, col. 7, ll. 32-45). Pond teaches memory (fig. 7, lab. 48, 51) and receiving the descrambling key but is silent on storing the key in memory. Banker teaches using non-volatile memory for storing data such as authorizations in the terminal (col. 6, ll. 28-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pond by storing authorizations in memory as taught by Banker in order to descramble the program selection and thereby allow for programs to be viewed. Pond is silent on teaching a digital broadcast system. Official Notice is taken that digital systems are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pond by using a digital system in order to benefit from a higher quality video, enable more services, and enable bandwidth conservation.

Regarding claim 2, Pond teaches a first receiver (fig. 1, 18), and a second receiver (fig. 1, lab. 30).

Regarding claim 3, Pond teaches a receiver module, processor, and memory in a set top terminal operably connected to a television, see figures 1 and 7. Furthermore, Pond discloses receiving and decrypting the signal for display on the television (col. 7, ll. 4-21).

Regarding claim 4, Pond is silent on teaching the set top terminal for converting digital programs to analog programs for display. Official Notice is taken that converting digital programs to analog programs for display is notoriously well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the

Art Unit: 2611

invention was made to modify Pond by converting a digital program to an analog program for display in order to enable viewing on legacy television displays.

Regarding claim 14, Pond teaches using a modem (fig. 7, label 36/39).

Regarding claim 15, Pond teaches using a satellite antenna connector (fig. 1).

Regarding claim 16, Pond teaches transmitting activation information via the satellite (col. 8, ll. 17-20) and then placing a call via the modem to receive the authorization (col. 8, ll. 20-26). However, Pond is silent on multiplexing and demultiplexing the local authorization code. Official Notice is taken that multiplexing and demultiplexing authorization codes are notoriously well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pond by multiplexing and demultiplexing the authorization code from the satellite information in order to obviate enable the system to receive information more efficiently without stipulating an extra channel.

Regarding claims 17 and 18, Pond teaches an infra-red remote control (fig. 1, label 19).

Regarding claims 19-25, 27, and 29, Pond teaches receiving information from a satellite. Official Notice is taken that various other transmission schemes, such as cable networks, over-the-air broadcasts from national or affiliated stations are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pond by using various transmission schemes in order to provide the services to a wide variety of television viewers.

Art Unit: 2611

Regarding claims 26, 28, and 30, the limitations of claims 26, 28, and 30 have been address in the discussion of claim 16.

Regarding claim 31, Pond teaches receiving authorization from a dial-up mode connection (col. 8, ll. 20-26).

Regarding claim 32, Pond is silent on teaching the order and authorization system colocated with one of the local cable, the broadcast affiliate, and the national broadcaster. Official Notice is taken that colocating facilities is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pond by collocating facilities in order to process all the information at one location, thereby reducing duplicating hardware.

Regarding claim 33, Pond teaches a billing system receiving the request and generating a billing record, see figures 5 and 6.

Regarding claim 34, Pond teaches debiting a subscriber account, figure 5.

Regarding claim 35, Pond is silent on sending a bill to a subscriber for payment. However, Official Notice is taken that sending a bill to a subscriber for payment is notoriously well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pond by sending a bill to a subscriber for payments in order to obtain payment in a traditional fashion thereby presenting the user with a method in which they are familiar.

Regarding claim 36, Pond is silent on paying via a credit card. Official Notice is taken that credit card transactions are notoriously well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was

Art Unit: 2611

made to modify Pond by using credit card transactions in order to provide a simple method of payment for services.

Regarding claims 40, Pond is silent on teaching an identification code uniquely identifying the apparatus for to receive authorization and an address with routing instructions. Official Notice is taken that an identification code uniquely identifying the apparatus for to receive authorization and an address with routing instructions are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ponds by an identification code uniquely identifying the apparatus for to receive authorization and an address with routing instructions in order to route data to the corresponding units thereby running without user intervention.

Regarding claim 41-43, Pond teaches authorization for a single display of an event, but is silent on multiple displays and subscriptions. Official Notice is taken that multiple displays and subscriptions are notoriously well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pond by using multiple displays and subscriptions in order to provide more services to the user thereby promoting viewing.

Regarding claims 44-48, Pond teaches pay-per-view, which reads on a specialty channel, but is silent on a first run movie channel, high definition television channel, subscription to specialty programs such as sporting events. Official Notice is taken that first run movie channel, high definition television channel, subscription to specialty programs such as sporting events, full and partial season, favorite team subscription,

Art Unit: 2611

monthly subscriptions, and annual subscriptions are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pond by using first run movie channel, high definition television channel, subscription to specialty programs such as sporting events in order to increase services thereby generating more revenue for the broadcasters.

Regarding claims 67, 99, 104, 127, 151, and 169, the limitations of claims 67, 99, 104, 127, 142, 151, and 169 have been addressed in the discussion of claims 1 and 16.

Regarding claims 68, 128, 152, 167, 170, and 185, the limitations of claim 68, 128, 152, 167, 170, and 185 have been addressed in the discussion of claim 16.

Regarding claims 69, 105, 129-130, 144-145, and 154, the limitations of claims 69, 105, 129-130, 144-145, and 154 have been addressed in the discussion of claim 31.

Regarding claims 76-83 and 119-124, the limitations of claims 76-83 and 119-125 have been addressed in the discussion of claims 41-48.

Regarding claims 84-85, the limitations of claims 84-85 have been addressed in the discussion of claims 33-34.

Regarding claims 88-91, the limitations of claims 88-91 have been addressed in the discussion of claims 21-22, and 23.

Regarding claims 92-94, and 100-101, the limitations of claims 92-94 and 100-101 have been addressed in the discussion of claims 19-20, and 23.

Regarding claims 95-96, 109, 131, 142, 147, and 155, the limitations of claims 95-96, 109, 131, 142, 147, and 155 have been addressed in the discussion of claim 32.

Regarding claim 97, the limitations of claim 97 have been addressed in the discussion of claim 40.

Regarding claim 98, Pond teaches authorization but fails to explicitly disclose an event identifier (time and date) and a program identifier. Clearly, the system of Pond must have a program identifier in order to display the appropriate requested program. Official Notice is taken that event identifiers are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pond by using event identifiers in order to permit the user to view the requested program.

Regarding claim 107, the limitations of claim 107 have been addressed in the discussion of claim 24.

Regarding claims 108, 133, 149, 157, 162, and 191, the limitations of claims 108, 133, 149, 157, 162, and 191 have been addressed in the discussion of claims 21-24.

Regarding claims 110-111, the limitations of claims 110-111 have been addressed in the discussion of claim 1.

Regarding claims 113, 143, 153, and 196, the limitations of claims 113, 143, 153, and 196 have been addressed in the discussion of claim 16.

Regarding claims 114, 163, and 198, the limitations of claims 114, 152, 163, and 198 have been addressed in the discussion of claim 15.

Regarding claim 125, the limitations of claim 125 have been addressed in the discussion of claim 33.

Regarding claim 126, the limitations of claim 126 have been addressed in the discussion of claim 34.

Regarding claims 134-136, the limitations of claims 134-136 have been addressed in the discussion of claims 16, 19-20, and 24.

Regarding claim 140, Pond and Banker are silent on high definition television programs and standard definition television programs. Official Notice is taken that high definition television programs and standard definition television programs are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pond and Banker by using high definition television programs and standard definition television programs in order to conserve bandwidth (thereby allowing more programs to be broadcasted over the same analog bandwidth channels) and achieve a higher quality video image.

Regarding claim 141, the limitations of claim 141 have been addressed in the discussion of claims 33 and 34.

3. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,329,590 to Pond and U.S. Patent 5,317,391 to Banker et al. in view of U.S. Patent 5,237,610 to Gammie et al.

Regarding claim 5, Pond is silent on using a smart card incorporated into a digital television. Gammie teaches using a smart card (col. 18-19, ll. 48-2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was

Art Unit: 2611

made to modify Pond by using a smart card as taught by Gammie in order to decrypt the signals and provide additional security into the system.

Regarding claim 6, Pond is silent on a second receiver incorporated into a digital television, where the digital television displays the program. Official Notice is taken that co-locating equipment is notoriously well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pond by having the second receiver incorporated into the digital television in order to remove duplicating parts, thereby reducing costs.

Regarding claim 7, Pond is silent on a receiver module, processor, transmitter, and memory contained on a smart card incorporated into a digital television, Ponds fails to disclose a third receiver that receives the digital program. Gammie teaches a smart card, which contains a receiver module, processor, transmitter, and memory. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pond by using a smart card as taught by Gammie in order to decrypt the signals and provide additional security into the system. As discussed above, Official Notice is taken that a digital television is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time to use a digital television in order to benefit from a higher quality signal.

Regarding claim 8, Pond is silent on a demultiplexer. Demultiplexers are an inherent function of a digital television.

Art Unit: 2611

4. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,329,590 to Pond and U.S. Patent 5,317,391 to Banker et al. in view of U.S. Patent 5,675,390 to Schindler et al.

Regarding claim 9, Pond is silent on a first receiver, processor and transmitter incorporated into a personal computer, wherein the program data is displayed on the computer display. Schindler teaches using a personal computer for a receiver, processor, and transmitter and displaying program data on the computer display (Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pond by using a personal computer as taught by Schindler in order to diversify the system and provide more services to the user.

Regarding claim 10, Pond is silent on using a computer, Schindler teaches using a personal computer (Abstract). Official Notice is taken that using a computer in lieu of a receiver is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ponds by using a computer as taught by Schindler and further replacing functionality as taught by Ponds into the computer of Schindler in order to efficiently process data.

5. Claims 49-53, 55-56, 58, 60-66, 70-75, 172-173, 175-178 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,329,590 to Pond and U.S. Patent 5,317,391 to Banker et al. in view of U.S. Patent 5,353,121 to Young et al.

Regarding claims 49-53, Pond is fails to disclose a menu, such as an electronic program guide (EPG). Young teaches a menu of available programs, displaying programs, date/time of broadcast, program rating, and a program summary (fig. 1-7, 10, 14). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pond to use a menu displaying programs, date/time of broadcast, program rating, and a program summary as taught by Young in order to allow the user to easily navigate and select broadcasted programs in an easy to use graphical interface.

Regarding claim 55, Pond, Banker, and Young fail to disclose a menu displayed in a picture in picture format. Official Notice is taken that using picture in picture is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pond, Banker, and Young by using picture in picture in order to enable the viewer to watch current programming while simultaneously browsing the guide for another program.

Regarding claims 56 and 178, Pond teaches a menu including sub-menus (fig. 9).

Regarding claim 58, Pond is silent on overlay menus and hidden menus. Young teaches overlay menus (fig. 9, 10, 12, 26a, and 26b). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pond by using overlay menus as taught by Young in order to permit the user to continue watching their programming while simultaneously browse information.

Regarding claim 60, Pond is silent on a time out feature, Banker teaches a time out (fig. 9D). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pond by using time outs to deauthorize the display and prevent charges.

Regarding claim 61, Pond is silent on the time out feature. Official Notice is taken that the time out feature is in effect prior to the display of the program selection. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pond by using a time out feature prior to displaying in order to inhibit unauthorized viewing of programs.

Regarding claims 62 and 63, Pond is silent on providing hard-copy formats including event codes and program identifiers. Official Notice is taken that hard copy event codes and program identifiers are notoriously well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pond by using hard copy formats in order to support an additional input to select desired programs.

Regarding claims 64-66, Pond is silent on using a remote control, soft keyboard, and a keyboard for entering event codes and program identifiers. Official Notice is taken that various input means such as remote control, soft keyboard, or a keyboard are notoriously well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pond by support various inputting means, for example a remote control, soft keyboard, or a keyboard for

entering event codes and program identifiers in order to allow the user to enter data into the system in an easy to use fashion.

Regarding claims 70-74, 172-173, and 175-176, the limitations of claims 70-74, 172-173, and 175-176 have been addressed in the discussion of claim 49-53.

Regarding claims 75 and 177, Pond is silent on scrolling within a program guide. Young teaches scrolling in the program guide. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pond by scrolling in the program guide in order to provide more information in a designated area.

Regarding claims 86-87, the limitations of claims 86-87 have been addressed in the discussion of claim 60-61.

Regarding claims 115 and 116, the limitations of claims 115 and 116 have been addressed in the discussion of claim 60.

Regarding claims 137-138, the limitations of claims 137-138 have been addressed in the discussion of claims 49-53.

6. Claims 59, 102-103, 112, 132, 139, 148, and 156 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,329,590 to Pond and U.S. Patent 5,317,391 to Banker et al. in view of U.S. Patent 5,940,073 to Klosterman et al. and Non-Patent Literature "Prodigy offers total television online guide" (Prodigy).

Regarding claim 59, Pond is silent on a menu displayed on a web page of the Internet. Klosterman teaches using the Internet, with the functionality of a homepage, forward, back, and home (fig. 6d). Therefore, it would have been obvious to one of

Art Unit: 2611

ordinary skill in the art at the time the invention was made to modify Pond by accessing the Internet as taught by Klosterman in order to present more information to the user in a easy to use manner. Pond and Klosterman are silent on viewing a menu via the Internet. Prodigy discloses providing EPG data accessible through the Internet (whole document). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Pond and Klosterman by accessing online resources to acquire a guide as taught by Prodigy in order to provide an online resource accessible through the television thereby allowing the user to explore programs in other markets and increase searching capabilities.

Regarding claim 102, the limitations of claim 102 have been addressed in the discussion of claims 20 and 59.

Regarding claim 103, the limitations of claim 103 have been addressed in the discussion of claims 19 and 59.

Regarding claims 112, 132, 139, 148, and 156, the limitations of claim 112, 132, 139, 148 and 156 have been addressed in the discussion of claim 59.

7. Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,329,590 to Pond and U.S. Patent 5,317,391 to Banker et al. in view of U.S. Patent 5,629,733 to Youman et al.

Regarding claim 57, Pond fails to teach the submenu including program selection confirmation and program description submenu. Youman shows a submenu including program selection (fig. 24, 24a). Therefore, it would have been obvious to one of

Art Unit: 2611

ordinary skill in the art at the time the invention was made to modify Pond by using program selection confirmations as taught by Youman in order to verify selections of the programs thereby enabling the user more control in a user friendly environment.

8. Claims 54 and 174 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,329,590 to Pond, U.S. Patent 5,317,391 to Banker et al., and U.S. Patent 5,353,121 to Young et al. in view of U.S. Patent 5,940,073 to Klosterman et al.

Regarding claims 54 and 174, Pond, Banker, and Young fail to disclose a menu with a hypertext link to a web site. Klosterman teaches a hyperlink to a web-site in the EPG, see figures 6(a-c). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pond, Banker, and Young by implementing a hyperlink to a web site in a menu as taught by Klosterman in order to allow the user to easily gather more information when desired in a user friendly manner.

9. Claims 158-164, 168, 171, 179-182, 188-192, 195, and 198 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,329,590 to Pond and U.S. Patent 5,317,391 to Banker et al. in view of U.S. Patent 5,374,951 to Welsh and U.S. Patent 5,410,344 to Graves et al.

Regarding claims 158-160, 171, 179-181, 188-192, Ponds is silent on teaching gathering subscriber data for providing a subscriber specific menu. Welsh teaches gathering subscriber data (Abstract) and Graves teaches providing a menu with subscriber data (Abstract). Therefore, it would have been obvious to one of ordinary

Art Unit: 2611

skill in the art at the time the invention was made to modify Ponds by gathering subscriber data and providing a menu with subscriber data, wherein the data for the subscriber data is the watched data as taught by Welsh and Graves in order to facilitate the user in retrieving desired programs in a user friendly interface.

Regarding claims 161-164 and 182, 195, 198, Ponds is silent on teaching transmitting the gathered information back to a remote location. Welsh teaches an audience monitoring system, which transmits gathered programs to a central computer (Abstract) via a modem (col. 5, ll. 64-66). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ponds by transmitting gathered programs to a central computer via a central computer in order to efficiently target programs and commercial toward users.

Regarding claim 168, Pond is silent on out of band data. Official Notice is taken that out of band data is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pond by using out-of-band data in order to efficiently use the bandwidth of the video signal thereby providing more information to the user for creating a user-friendly environment.

10. Claims 165, 166, 183, 184, 193, and 194 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,329,590 to Pond, U.S. Patent 5,317,391 to Banker et al., U.S. Patent 5,374,951 to Welsh and U.S. Patent 5,410,344 to Graves et al. in view of U.S. Patent 5,940,073 to Klosterman et al. and Non-Patent Literature "Prodigy offers total television online guide" (Prodigy).

Regarding claims 165, 166, 183, 184, 193-194 Pond is silent on a menu displayed on a web page of the Internet. Klosterman teaches using the Internet, with the functionality of a homepage, forward, back, and home (fig. 6d). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pond by accessing the Internet as taught by Klosterman in order to present more information to the user in a easy to use manner. Pond and Klosterman are silent on viewing a menu via the Internet. Prodigy discloses providing EPG data accessible through the Internet (whole document). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Pond and Klosterman by accessing online resources to acquire a guide as taught by Prodigy in order to provide an online resource accessible through the television thereby allowing the user to explore programs in other markets and increase searching capabilities.

Regarding claims 185, 186, 196, and 197 the limitations of claims 185, 196 and 186, 197 have been addressed in the discussion of claims 167 and 168, respectively.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,635,989 to Rothmuller teaches presenting a subscriber menu customized to the subscriber, by using the subscriber's watched data.


Art Unit: 2611

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y Koenig whose telephone number is (703) 306-0399. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

ayk
July 1, 2002


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600